

HAWAII STATE

HOUSE OF REPRESENTATIVES

REGULAR SESSION OF 2011

MINI JOURNAL

FLOOR REMARKS TO BE INSERTED

NINTH DAY

FEBRUARY 2, 2011

OFFICE OF THE CHIEF CLERK

A handwritten signature in black ink, appearing to be a stylized 'J' or 'K' followed by a flourish.

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NINTH DAY

Wednesday, February 2, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:05 o'clock p.m., with Vice Speaker Manahan presiding.

The ecumenical invocation was delivered by Representative Jerry L. Chang, after which the Roll was called showing all Members present with the exception of Representatives Souki and Wooley, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Eighth Day was deferred.

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 103) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 103, dated February 1, 2011, in accordance with Section 9, Article VII of the Constitution of the State of Hawaii, requesting immediate consideration and passage of H.B. No. 838, Relating to Reapportionment, to appropriate moneys for the operation of the reapportionment commission for fiscal year 2010-2011.

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 43 through 49) were received by the Clerk and were placed on file:

Dept. Com. No. 43, dated November 22, 2010, from Howard Todo, Vice President for Budget and Finance and Chief Financial Officer, University of Hawaii, transmitting the Biennium Operating and Capital Improvements Program (CIP) Budget Requests for Fiscal Year 2011-2013, pursuant to HRS Chapter 37-68.

Dept. Com. No. 44, dated January 19, 2011, from Kalbert K. Young, Interim Director of Finance, Department of Budget and Finance, transmitting the Summary Program Reports for FY 2011-13 Executive Budget for the Departments of Agriculture, Accounting and General Services, Attorney General, Commerce and Consumer Affairs, Hawaiian Home Lands, Human Resources Development, Public Safety, Taxation, and Transportation; The Hawaii State Public Library System; and the Office of the Lieutenant Governor.

Dept. Com. No. 45, dated December 20, 2010, from Louis M. Kealoha, Chief of Police, City and County of Honolulu, transmitting a letter to serve as the HPD's report to the legislature concerning electric guns and their use during the past year, pursuant to Section 134-16(d), Hawaii Revised Statutes.

Dept. Com. No. 46, dated December 20, 2010, from Louis M. Kealoha, Chief of Police, City and County of Honolulu, transmitting the 2010 annual report to the Legislature, which includes a summary of the facts, the nature of the misconduct for each incident which resulted in the suspension or discharge of a police officer, and the disciplinary action imposed; and indicated the number of police officers suspended and discharged during 2010 under certain Standards of Conduct: Malicious Use of Physical Force; Mistreatment of Prisoners; Use of Drugs and Narcotics; and Cowardice.

Dept. Com. No. 47, dated January 10, 2011, from Gary Yabuta, Chief of Police, County of Maui, transmitting a letter stating that, pursuant to Act 242, relating to Uniform Information Practices, during the calendar year 2010, the Department did not suspend any Police Officer for: Malicious use of physical force; Mistreatment of a prisoner/arrested person; Use and/or possession of drugs and/or narcotics; or Cowardice. Also transmitting a summary of all incidents and violations of Department Policies and Procedures which resulted in the suspension or discharge of

Police Officers during the Period from January 1, 2010 to December 31, 2010.

Dept. Com. No. 48, dated January 11, 2011, from Aaron S. Fujioka, State Procurement Office, transmitting an executive overview of the State Procurement Office's programs, services, issues and concerns.

Dept. Com. No. 49, dated January 7, 2011, from Kalbert K. Young, Interim Director of Finance, Department of Budget and Finance, transmitting Notification to the Legislature, pursuant to Section 37-46, HRS, Transfers from Non-General Funds to General Fund FY 11, December 16, 2010.

INTRODUCTIONS

The following introductions were made to the Members of the House:

REMARKS DELIVERED: Rep. Chang

ORDER OF THE DAY

STANDING COMMITTEE REPORTS

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1) recommending that H.B. No. 166, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the report of the Committee be adopted, and that H.B. No. 166, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Pine
Rep. Fontaine
Rep. Evans
Rep. Ching
Rep. Ward
Rep. Thielen
Rep. Evans
Rep. Cabanilla
Rep. Ward
Rep. Marumoto
Rep. Pine

TO BE INSERTED: Rep. Pine
(Submit by Monday, February 7)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 166, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Fontaine, Marumoto, Thielen and Ward voting no, and with Representative Wooley being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 2) recommending that H.B. No. 174, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 174, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Ward

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 174, entitled: "A BILL FOR

AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance, with Representative Wooley being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 3) recommending that H.B. No. 175, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 175, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Second Reading and was referred to the Committee on Finance, with Representative Wooley being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 4) recommending that H.B. No. 268, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 268, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR COUNTY EMPLOYEES," passed Second Reading and was referred to the Committee on Judiciary, with Representative Wooley being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 5) recommending that H.B. No. 546, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 546, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Wooley being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 6) recommending that H.B. No. 777, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 777, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Pine

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 777, entitled: "A BILL FOR AN ACT RELATING TO THE HEALTH FUND," passed Second Reading and was referred to the Committee on Finance, with Representative Wooley being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 7) recommending that H.B. No. 740, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 740, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," passed Second Reading and was referred to the Committee on Judiciary, with Representative Wooley being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 8) recommending that H.B. No. 574, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 574, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE," passed Second Reading and was referred to the Committee on Labor & Public Employment, with Representative Wooley being excused.

At 12:18 o'clock p.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:18 o'clock p.m.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 9) recommending that H.B. No. 768, as amended in HD 1, be recommitted to the Committee on Human Services.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 768, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," was recommitted to the Committee on Human Services, with Representative Wooley being excused.

ANNOUNCEMENTS

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
26	Committee on Transportation, then to the Committee on Judiciary
27	Committee on Higher Education, then jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection
28	Committee on Culture & the Arts

<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
30	Committee on Transportation, then to the Committee on Judiciary
31	Committee on Higher Education, then jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection
32	Committee on Culture & the Arts
33	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

<u>H.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
465	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Judiciary, then to the Committee on Finance

- 768, Committee on Human Services, then to the Committee on
HD1 Economic Revitalization & Business, then to the Committee
on Finance
- 853 Committee on Economic Revitalization & Business, then to
the Committee on Finance
- 916 Committee on Transportation, then to the Committee on
Finance
- 998 Jointly to the Committee on Energy & Environmental
Protection and the Committee on Economic Revitalization &
Business, then to the Committee on Finance
- 1016, Committee on Transportation, then to the Committee on
HD1 Energy & Environmental Protection, then to the Committee on
Finance
- 1545 Committee on Consumer Protection & Commerce

ADJOURNMENT

At 12:19 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, February 3, 2011. (Representative Wooley was excused.)